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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,598	07/17/2003	Masahito Iga	FSF-03411	9290
21254 7590 03/16/2010 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
YODER III, CHRIS S				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
03/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,598

Applicant(s)

IGA, MASAHIITO

Examiner

CHRISS S. YODER III

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-12 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-12 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed January 5, 2010 have been fully considered but they are not persuasive.

1. Applicant argues, that Squibbs and Tanaka, either alone or in combination (arguendo) fail to teach or suggest, "when information representing a photographing direction that has been displayed on the map is selected and designated, so that an image corresponding to the selected and designated information is displayed, wherein when image data of a subject that is desired by the user is not stored, the control component controls the display component so that information representing a photographing direction to a subject that the user desires from a photographing point the user desires is displayed, wherein the photographing direction that the user desires and the photographing point the user desires are input by the user, and wherein the control component varies a display mode of the information representing the photographing direction between when image data of a subject is stored and when image data of a subject that the user desires has not been stored," as recited in claim 1, and similarly recited in claim 7.

However, the Examiner notes that Squibbs discloses the use of a display device, comprising a display component (column 3, lines 18-37, and figure 3: 5), and a control component for controlling the display component so that a map including a photographing point of a subject is displayed, such that information representing a photographing point is displayed at a position on the map corresponding to the

photographing point (column 5, lines 47-67, and figure 6: 61 & 64), and when information representing a photographing point that has been displayed on the map is selected and designated, such that an image corresponding to the selected and designated information is displayed (column 5, lines 47-67; when a displayed point is selected, image data corresponding to the selected point is displayed), wherein when image data of a subject that is desired by a user is not stored, the control component controls the display component such that information representing a photographing direction to a subject that the user desires from a photographing point the user desires is displayed (column 13, lines 31-51, and figure 17: 148 & 149; photographing points that having no associated image data represented using a "?" icon on the map (148), and when the user selects one of the points having no image data, information representing a photographing direction desired by the user (149) is displayed along with the location), wherein the photographing direction that the user desires and the photographing point the user desires are input by the user (column 12, lines 16-47, and column 13, lines 31-41), and wherein the control component varies a display mode of the information representing the photographing point between when image data of a subject is stored and when the image data of the subject that the user desires has not been stored (column 5, lines 47-60, column 13, lines 8-51, and figures 6-7; photographing points having image data stored are indicated using an "x" icon, and user desired photographing points having no image data stored are indicated using a "?" icon). Therefore, it can be seen that Squibbs fails to explicitly disclose that the

information representing the photographing point also includes information representing the photographing direction from the photographing point to the subject.

In analogous art, Tanaka discloses the use of a control component that controls a display so that information representing a photographing direction from a photographing point to a subject is displayed at a position on a map corresponding to the photographing point (column 3, lines 54-62, and figure 2; each of the photographing position icons on the map also indicate the photographing direction and distance). Tanaka teaches that the use of a control component that controls a display so that information representing a photographing direction from a photographing point to a subject being displayed at a position on a map corresponding to the photographing point is preferred in order to allow the user to easily understand the viewing area and direction the camera is facing (column 1, lines 24-28, and column 4, lines 1-5). And based on the combination of Squibbs with Tanaka, each of the photographing points displayed on the map are considered to display both the photographing location and direction. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Squibbs to include the control of the display component so that information representing a photographing direction from the photographing point to the subject is displayed at a position on the map corresponding to the photographing point, in order to allow the user to easily understand the viewing area and direction the camera is facing, as suggested by Tanaka.

2. Applicant also argues, that Squibbs does not disclose or suggest a photographing direction that has not been photographed, as recited in the independent claims of the present invention.

However, the Examiner notes that Squibbs discloses the use of a photographing direction that has not been photographed (column 13, lines 31-51, and figure 17: 148 & 149; photographing points that having no associated image data represented using a "?" icon on the map (148), and when the user selects one of the points having no image data, information representing a photographing direction desired by the user (149) is displayed along with the location).

3. Applicant also argues, with respect to Squibbs and Tanaka are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight. Further, Applicant submits that there is no motivation or suggestion in the references (and thus no predictability for one of ordinary skill in the art) to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have combined the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

However, the Examiner notes that in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it

must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, Tanaka was used to modify Squibbs to include the control of the display component so that information representing a photographing direction from the photographing point to the subject is displayed at a position on the map corresponding to the photographing point, in order to allow the user to easily understand the viewing area and direction the camera is facing, as suggested by Tanaka.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Tanaka was used to modify Squibbs to include the control of the display component so that information representing a photographing direction from the photographing point to the subject is displayed at a position on the map corresponding to the photographing point,

in order to allow the user to easily understand the viewing area and direction the camera is facing, as suggested by Tanaka.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 7-12, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squibbs (US Patent 6,914,626) in view of Tanaka et al. (US Patent 6,888,565).**

5. In regard to **claim 1**, note Squibbs discloses the use of a display device, comprising a display component (column 3, lines 18-37, and figure 3: 5), and a control component for controlling the display component so that a map including a photographing point of a subject is displayed, such that information representing a photographing point is displayed at a position on the map corresponding to the photographing point (column 5, lines 47-67, and figure 6: 61 & 64), and when information representing a photographing point that has been displayed on the map is selected and designated, such that an image corresponding to the selected and designated information is displayed (column 5, lines 47-67; when a displayed point is selected, image data corresponding to the selected point is displayed), wherein when image data of a subject that is desired by a user is not stored, the control component

controls the display component such that information representing a photographing direction to a subject that the user desires from a photographing point the user desires is displayed (column 13, lines 31-51, and figure 17: 148 & 149; photographing points that having no associated image data represented using a "?" icon on the map (148), and when the user selects one of the points having no image data, information representing a photographing direction desired by the user (149) is displayed along with the location), wherein the photographing direction that the user desires and the photographing point the user desires are input by the user (column 12, lines 16-47, and column 13, lines 31-41), and wherein the control component varies a display mode of the information representing the photographing point between when image data of a subject is stored and when the image data of the subject that the user desires has not been stored (column 5, lines 47-60, column 13, lines 8-51, and figures 6-7; photographing points having image data stored are indicated using an "x" icon, and user desired photographing points having no image data stored are indicated using a "?" icon). Therefore, it can be seen that Squibbs fails to explicitly disclose that the information representing the photographing point also includes information representing the photographing direction from the photographing point to the subject.

In analogous art, Tanaka discloses the use of a control component that controls a display so that information representing a photographing direction from a photographing point to a subject is displayed at a position on a map corresponding to the photographing point (column 3, lines 54-62, and figure 2; each of the photographing position icons on the map also indicate the photographing direction and distance).

Tanaka teaches that the use of a control component that controls a display so that information representing a photographing direction from a photographing point to a subject being displayed at a position on a map corresponding to the photographing point is preferred in order to allow the user to easily understand the viewing area and direction the camera is facing (column 1, lines 24-28, and column 4, lines 1-5). And based on the combination of Squibbs with Tanaka, each of the photographing points displayed on the map are considered to display both the photographing location and direction. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Squibbs to include the control of the display component so that information representing a photographing direction from the photographing point to the subject is displayed at a position on the map corresponding to the photographing point, in order to allow the user to easily understand the viewing area and direction the camera is facing, as suggested by Tanaka.

6. In regard to **claim 7**, note Squibbs discloses the use of an image information management terminal, comprising a display component (column 3, lines 18-37, and figure 3: 5), a receiving component for receiving a map including a photographing point of a subject (column 3, line 18 – column 4, line 6, column 6, lines 40-67, and column 13, lines 19-51; based on the operations performed, the PC 5 can receive data from an external device, such as the camera 3, photo store 7, map store 8, and/or over the internet), and a control component for controlling the display component so that the map is displayed, such that the information representing the photographing point is displayed at a position on the map corresponding to the photographing point, on a basis of the

map and the information representing the photographing point received by the receiving component (column 5, lines 47-67, and figure 6: 61 & 64), and when information representing a photographing point that has been displayed on the map is selected and designated, an image corresponding to the selected and designated information is displayed (column 5, lines 47-67; when a displayed point is selected, image data corresponding to the selected point is displayed), wherein when image data of a subject that is desired by a user is not stored, the control component controls the display component such that information representing a photographing direction to a subject that the user desires from a photographing point the user desires is displayed (column 13, lines 31-51, and figure 17: 148 & 149; photographing points that having no associated image data represented using a "?" icon on the map (148), and when the user selects one of the points having no image data, information representing a photographing direction desired by the user (149) is displayed along with the location), wherein the control component varies a display mode of the information representing the photographing point between when image data of a subject is stored and when the image data of the subject that the user desires has not been stored (column 5, lines 47-60, column 13, lines 8-51, and figures 6-7; photographing points having image data stored are indicated using an "x" icon, and user desired photographing points having no image data stored are indicated using a "?" icon), and wherein the image information management terminal further comprises an input component for inputting information representing the photographing point that the user desires and the photographing direction to the subject that the user desires (column 12, lines 16-47, and column 13,

lines 31-41). Therefore, it can be seen that Squibbs fails to explicitly disclose that the information representing the photographing point also includes information representing the photographing direction from the photographing point to the subject.

In analogous art, Tanaka discloses the use of a control component that controls a display so that information representing a photographing direction from a photographing point to a subject is displayed at a position on a map corresponding to the photographing point (column 3, lines 54-62, and figure 2; each of the photographing position icons on the map also indicate the photographing direction and distance). Tanaka teaches that the use of a control component that controls a display so that information representing a photographing direction from a photographing point to a subject being displayed at a position on a map corresponding to the photographing point is preferred in order to allow the user to easily understand the viewing area and direction the camera is facing (column 1, lines 24-28, and column 4, lines 1-5). And based on the combination of Squibbs with Tanaka, each of the photographing points displayed on the map are considered to display both the photographing location and direction. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Squibbs to include the control of the display component so that information representing a photographing direction from the photographing point to the subject is displayed at a position on the map corresponding to the photographing point, in order to allow the user to easily understand the viewing area and direction the camera is facing, as suggested by Tanaka.

7. In regard to **claim 8**, note Squibbs discloses the use of a transmitting component for transmitting a request to transmit image data of the subject, wherein the receiving component is configured so as to be able to receive the image data, the receiving component receives the image data transmitted in accordance with the transmission request by the transmitting component, and the control component controls the display component so that an image of the image data received by the receiving component is displayed (column 3, lines 18-33, column 5, lines 65-67, and column 8, lines 22-44; based on the operations performed, data is transmitted from the camera 3, photo store 7, map store 8, or meta-data database 9 to the PC 5).

8. In regard to **claim 9**, note Squibbs discloses the use of a transmitting component for transmitting image data obtained by photographing the subject and data of the photographing point of the subject (column 3, line 18 – column 4, line 6, and column 6, lines 40-67; based on the operations performed, data is transmitted from the camera 3, photo store 7, map store 8, or meta-data database 9 to the PC 5).

9. In regard to **claim 10**, note Squibbs discloses the use of a transmitting component for transmitting information representing the camera's location/state that includes the photographing point (column 3, line 18 – column 4, line 6, and column 6, lines 40-67; based on the operations performed, image data and location data are transmitted from the camera 3, photo store 7, map store 8, or meta-data database 9, to the PC 5), and Tanaka discloses the use of information representing the camera's location/state that includes a direction from the photographing point to the subject (column 3, lines 54-62, and figures 2 & 7; through the combination of Squibbs with

Tanaka, the direction information from Tanaka is considered to be transmitted along with the location information of Squibbs).

10. In regard to **claim 11**, note Tanaka discloses the use of a designating component for designating, on the map displayed by the display component, information representing the photographing direction from the photographing point to the subject (column 3, lines 54-62, and figures 2 & 7), and Squibbs discloses that the transmitting component transmits the information representing the camera's location/state when the information is designated by the designating component (column 3, line 18 – column 4, line 6, and column 6, lines 40-67; based on the operations performed, data is transmitted from the camera 3, photo store 7, map store 8, or meta-data database 9, to the PC 5, and through the combination of Squibbs with Tanaka, the direction information from Tanaka is considered to be transmitted along with the location information of Squibbs).

11. In regard to **claim 12**, note the primary reference of Squibbs in view of Tanaka discloses the limitations as discussed with respect to claim 7 above. Additionally, Squibbs discloses the use of an image information management system (figures 3 and 17), comprising an image information management device that includes a transmitting component for transmitting a map that includes a photographing point of a subject (column 3, line 18 – column 4, line 6, column 6, lines 40-67, and column 13, lines 19-51; based on the operations performed, the PC 5 can receive data that is transmitted from an external device, such as the camera 3, photo store 7, map store 8, and/or over the internet), and Tanaka discloses the use of information representing the camera's

location/state that includes a direction from the photographing point to the subject (column 3, lines 54-62, and figures 2 & 7; through the combination of Squibbs with Tanaka, the direction information from Tanaka is considered to be transmitted along with the map and location information of Squibbs).

12. In regard to **claim 21**, note Squibbs discloses that the image information managing device further comprises a receiving component for receiving a request to transmit image data of the subject, wherein the transmitting component of the image information managing device transmits the image data, and wherein the transmitting component of the image information management device transmits the image data to the image information management terminal when the transmission request is received by the receiving component of the image information managing device (column 3, lines 18-37, and column 13, lines 19-51; based on the users selections, the terminal transmits a request for image data to the external device, and based on this request, the external device transmits the requested image data to the user terminal).

13. In regard to **claim 22**, note Squibbs discloses that the image information management device further comprises a receiving component for receiving image data obtained by photographing the subject and data of the photographing point of the subject from the image information managing terminal (column 3, lines 18-37; the image information managing device is considered to be an external device, that includes the photo store 7 and the meta-data database 9, which receive image data obtained by photographing the subject and data of the photographing point of the subject from the image information managing terminal 5), and an associating component for associating

the image data received by the receiving component with the photographing point on the map on a basis of the data of the photographing point received by the receiving component (column 3, lines 18-37; the image data and location data are considered to be associated on the map corresponding to the location data).

14. In regard to **claim 23**, note Squibbs discloses that the image information managing device further comprises a receiving component for receiving the information representing the photographing point from the image information management terminal (column 3, lines 18-37; the image information managing device is considered to be an external device, that includes the meta-data database 9, which receives information representing the photographing point from the image information managing terminal 5), an associating component for associating the photographing point on the map with the information when the information representing the photographing point has been received by the receiving component (column 3, lines 18-37; the image data and location data are considered to be associated on the map corresponding to the location data), and Tanaka discloses the use of information representing the camera's location/state that includes a direction from the photographing point to the subject (column 3, lines 54-62, and figures 2 & 7; through the combination of Squibbs with Tanaka, the direction information from Tanaka is considered to be transmitted along with the information representing the photographing point of Squibbs).

15. In regard to **claim 24**, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 24 has been analyzed and rejected as previously discussed with respect claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISS S. YODER III** whose telephone number is (571)272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

/C. S. Y./
Examiner, Art Unit 2622